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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that Bill No. 477-31 (COR), "AN ACT TO *AMEND* §23112 OF ARTICLE 1 AND §23203 OF ARTICLE 2, BOTH OF CHAPTER 23, DIVISION 2, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LEVIES ON EARNINGS", was on the 26th day of November, 2012, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 28th day of Nov, 2012, at 11:10 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 477-31 (COR)
As amended on the Floor.

Introduced by: Adolpho B. Palacios, Sr.
T. C. Ada
V. A. Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam A. Mabini, Ph.D.
T. R. Muña Barnes
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Dennis G. Rodriguez, Jr.
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Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §23112 OF ARTICLE 1 AND §23203 OF ARTICLE 2, BOTH OF CHAPTER 23, DIVISION 2, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LEVIES ON EARNINGS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that under the relevant statutes, the remittances arising from levies upon earnings must be made through the court system in order to be transmitted to the judgment creditor. Therefore, it is the intent of *I Liheslaturan Guåhan* to facilitate the ease and efficiency of processing levies upon earnings, by amending §23112 and §23203 of Title 7,

Guam Code Annotated, to allow for remittances directly to the judgment creditor or the judgment creditor's attorney.

Section 2. §23112 of Article 1, Chapter 23, Division 2, Title 7, Guam Code Annotated, is hereby *amended* to read:

"**§ 23112. Writ, By Whom and How Executed.**

Except in the case of a levy on earnings, the marshal must execute the writ against the property of the judgment debtor, by levying on a sufficient amount of property, if there be sufficient, collecting or selling the things in action, and selling the other property and paying to the plaintiff or his attorney so much of the proceeds as will satisfy the judgment. Any excess in the proceeds over the judgment and accrued costs must be returned to the judgment debtor, *unless* otherwise directed by the judgment or order of the court. When there is more property of the judgment debtor than is sufficient to satisfy the judgment and accrued costs within the view of the marshal, he must levy *only* on such part of the property as the judgment debtor may indicate, if the property indicated be amply sufficient to satisfy the judgment and costs."

Section 3. §23203 of Article 2, Chapter 23, Division 2, Title 7, Guam Code Annotated, is hereby *amended* to read:

"**§ 23203. Payment by Debtor of Judgment Debtor.**

(a) After the issuing of an execution against property and before its return, any person indebted to the judgment debtor may pay to the marshal the amount of his debt, or so much thereof as may be necessary to satisfy the execution, and the marshal's receipt is a sufficient discharge for the amount so paid.

(b) Notwithstanding Subsection (a), in the case of a levy on earnings, the employer *shall* remit the earnings levied upon directly to the judgment creditor or the judgment creditor's attorney. Upon satisfaction of the judgment amount, the judgment creditor or the judgment creditor's attorney *shall* file within thirty (30) days a satisfaction of judgment with the court and serve such document upon the employer."

Section 4. Effective Date. This provisions of this Act *shall* be effective upon enactment.